The Honorable Ricardo S. Martinez 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 9 RING & PINION SERVICE, INC., ) 10 Plaintiff, No. 2:09-cv-00586-RSM 11 12 DECLARATION OF BENJAMIN v. J. BYER IN SUPPORT OF ARB'S 13 ARB CORPORATION LTD., MOTION FOR SUMMARY JUDGMENT 14 Defendant. 15 I, Benjamin J. Byer, declare as follows: 16 1. I am an attorney with Davis Wright Tremaine LLP and am one of the attorneys 17 of record for defendant ARB Corporation Ltd. ("ARB") in this action. I have personal 18 knowledge of the matters herein. 19 2. Attached hereto as **Exhibit A** is a true and correct copy of U.S. Patent 20 No. 5,591,098, entitled "Locking Differential." 21 3. Attached hereto as **Exhibit B** is a true and correct copy of R&P's Non-22 Infringement Contentions dated November 23, 2009. 23 Attached hereto as **Exhibit C** is a true and correct copy of ARB's Second 4. 24 Supplemental Infringement Contentions dated June 29, 2011. 25 5. Attached hereto as **Exhibit D** is a true and correct copy of R&P's 26 Supplemental Non-Infringement Contentions dated June 15, 2011. 27 DECLARATION OF BENJAMIN J. BYER — 1 Davis Wright Tremaine LLP (2:09-cv-00586-RSM)

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1	6. Attached hereto as <b>Exhibit E</b> is a true and correct copy of R&P's Amended
2	Preliminary Claim Construction dated July 18, 2011.
3	7. Attached hereto as <b>Exhibit F</b> is a true and correct copy of R&P's Rebuttal
4	Expert Report dated September 16, 2011.
5	I declare under penalty of perjury that the foregoing is true and correct.
6	Executed this 21st day of November, 2011.
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8	<u>s/Benjamin J. Byer</u> Benjamin J. Byer
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1	CERTIFICATE OF SERVICE
$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	I hereby certify that on the 21 <sup>st</sup> day of November, 2011, I electronically filed the
3	foregoing with the court using the CM/ECF system and I caused to be served a true and
4	correct copy of the following document(s) by the method indicated below and addressed a
5	follows:
<ul><li>6</li><li>7</li></ul>	DECLARATION OF BENJAMIN J. BYER IN SUPPORT OF ARB'S MOTION FOR SUMMARY JUDGMENT
8   9   10   11   12   13	Lawrence D. Graham David A. Lowe Lowe Graham Jones 701 Fifth Avenue, Suite 4800 Seattle, WA 98104-7009 Tel: (206) 381-3300 Fax: (206) 381-3301 Email: graham@lowegrahamjones.com Email: lowe@lowegrahamjones.com  U.S. Mail Hand Delivery Overnight Mail Facsimile  x_ CM/ECF Notification x_ Email
14	DATED this 21 <sup>st</sup> day of November, 2011, 2011.
15	s/Benjamin J. Byer
16	Benjamin J. Byer
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